



September 16, 2004

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: ALTS' Emergency Request for a Limited Modification of Interim
Protective Order, CC Docket Nos. 96-45, 04-313, 01-338

Dear Ms. Dortch:

CompTel/ASCENT ("CompTel") hereby supports the Emergency Request for a Limited Modification of Interim Protective Order filed by ALTS on September 8, 2004. ALTS requests that the terms of the Interim Protective Order entered in Docket No. 96-45 be modified so that parties filing comments in Docket 04-313, the Commission's rulemaking to adopt permanent unbundling rules, are permitted to use the wire center line density information for purposes of conducting dedicated transport impairment analyses. ALTS' request is reasonable and limited in scope. Grant of the request will place CLECs on a more equal footing with ILECs in terms of access to line count data of relevance to this proceeding and will facilitate the development of an inclusive record.

Without access to the wire center line density information, CLECs will be unable to fully formulate, evaluate or respond to assertions that line count density should be considered in determining impairment. In the Triennial Review proceeding, line count densities and their relationship to impairment were the subject of debate. *See, e.g., In the Matter of Review of the Section 251 Unbundling Obligations of the Incumbent Local Exchange Carriers*, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (released August 21, 2003) at ¶520 ("parties to this proceeding have placed evidence in the record that economic impairment may be especially likely in wire centers below a certain line density"). They are likely to be the subject of debate again and all parties should have equal access to the most up-to-date information that the ILECs have submitted to USAC. Given the abbreviated comment

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period and the public interest in developing as complete a record as possible, the Commission should grant ALTS' request and direct USAC to make the most recent wire center line count density information available to all requesting parties willing to comply with the terms of the revised Interim Protective Order.

Respectfully submitted,

Jonathan D. Lee
Mary C. Albert

cc: Dee May, Verizon
Jeffrey Lindsey, Sprint
Melissa Newman, Qwet
David Cartright, SBC
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